

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

IN RE SUBPOENA ISSUED TO GRAGIL
ASSOCIATES, INC.

in
Managed Care Solutions, Inc.,

v.

Essent Healthcare, Inc.,
Defendant.

S.D. Fla. No. 09-60351

CIVIL ACTION NO.

AFFIDAVIT OF JOHN J. O'CONNOR

I, John J. O'Connor, hereby depose under oath and state as follows:

1. I am an attorney in good standing admitted to practice before the Bar of the Commonwealth of Massachusetts. I am counsel to non-party witness Gragil Associates, Inc. ("Gragil").

2. Attached to this Affidavit as Exhibit A is a true and accurate copy of the Amended Complaint filed by the plaintiff Managed Care Solutions, Inc. ("MCS").

3. Attached to this Affidavit as Exhibit B is a true and accurate copy of the July 20, 2010 document subpoena issued to Gragil by MCS.

4. Attached to this Affidavit as Exhibit C is a true and accurate copy of an excerpt from the transcript of an April 29, 2010 hearing before the United States District Court for the Southern District of Florida, in which Magistrate-Judge O'Sullivan ordered that MCS was not entitled to certain discovery concerning collection services provided to Essent Healthcare, Inc.

(“Essent”) as to so-called self-pay accounts, because such services were unlike those provided by MCS to Essent, and therefore were irrelevant to MCS’s claims.

5. Attached to this Affidavit as Exhibit D is a true and accurate copy of an excerpt from the transcript of deposition testimony given by MCS’s Chief Executive Officer and rule 30(b)(6) designee Kara Atchinson on March 9, 2010, in which she admitted that MCS provided Essent no services as to self-pay accounts, that self-pay accounts differed from third-party payor accounts, and that the subject MCS/Essent contract did not cover self-pay accounts.

6. Attached to this Affidavit as Exhibit E is a true and accurate copy of an excerpt from the transcript of deposition testimony given by healthcare industry expert David Cranford on April 29, 2010, in which he swore that the Essent/Gragil contract (which was a deposition exhibit and is also part of Exhibit E) covered services different than those covered by the Essent/MCS contract.

7. Attached to this Affidavit as Exhibit F is a true and accurate copy of the July 15, 2009 scheduling order of the United States District Court for the Southern District of Florida.

8. Attached to this Affidavit as Exhibit G is a true and accurate copy of my August 2, 2010 letter to counsel for MCS regarding the MCS subpoena. There has been no response to my letter.

Signed and sworn under the pains and penalties of perjury this 6th day of August, 2010.

/s/John J. O’Connor
JOHN J. O’CONNOR

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the attached Affidavit of John J. O'Connor via First Class Mail, postage pre-paid on the following:

Robert Ingham, Esq.
Ingham & Associates, PA
175 SW 7 Street Suite 1516
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Lea Carol Owen, Esq.
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Nashville, TN 37219

Dated: August 6, 2010.

/s/ John J. O'Connor
John J. O'Connor